

**STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION**

MEETING MINUTES

May 29, 2015
8:30 a.m. to 3:34 p.m.

Best Western Sonora Oaks
19551 Hess Avenue
Sonora, CA 95370

OHMVR COMMISSIONERS PRESENT

Ted Cabral, Chair
Diana Pérez, Vice Chair
Erin Hafkenschiel
Eric Lueder
Kevin Murphy
Edward Patrovsky
Paul Slavik
Teresa Villegas

OHMVR DIVISION STAFF PRESENT

Christopher Conlin, Deputy Director
Maria Mowrey, Administrative Chief
Kathryn Tobias, Legal Counsel

OTHER OHMVR DIVISION STAFF AND REGISTERED VISITORS

AGENDA ITEM I – CALL TO ORDER – 8:30 A.M.

- (A) Pledge of Allegiance led by Chair Cabral.
- (B) Roll Call – Eight Commissioners present at time of roll call; one Commission member appointment vacant.

Chair Cabral introduced OHMVR Division staff.

AGENDA ITEM II – APPROVAL OF AGENDA

Motion to approve the Agenda was made by Commissioner Lueder and seconded by Commissioner Slavik. A roll call vote was taken. Motion carried.

Roll Call Vote

Approved: Commissioners Hafkenschiel, Lueder, Murphy, Patrovsky, Slavik, Villegas, Pérez, and Cabral

No: None

Abstain: None

AGENDA ITEM III (A) – APPROVAL OF THE MARCH 13, 2015, MINUTES

Motion to approve the March 13, 2015, minutes was made by Commissioner Lueder and seconded by Commissioner Murphy. A roll call vote was taken. Motion carried.

Roll Call Vote

Approved: Commissioners Hafkenschiel, Lueder, Murphy, Patrovsky, Slavik, Pérez, Villegas, and Cabral

No: None

Abstain: None

AGENDA ITEM IV (A) – COMMISSIONERS' REPORTS

- Commissioner Patrovsky reported that he attended a workshop in Victorville regarding the West Mojave (WEMO) Trail Management Plan. He also worked with Division staff on the WEMO planning process comment letter.
- Commissioner Slavik reported that he toured Hungry Valley SVRA with State Parks Commissioner Diane Wittenberg, District Superintendent Kathy Weatherman, and Sector Superintendent Kent Miller.
- Vice Chair Pérez thanked Beth Martinez and the U.S. Forest staff for the tour.
- Commissioner Lueder reported that he attended the North Bay Motorcycle Club Sawmill Enduro at Cow Mountain in April, and the California Enduro Riders Association Fool's Gold Enduro at Georgetown in May.
- Commissioner Murphy thanked Beth Martinez and the U.S. Forest staff for the tour.
- Chair Cabral also thanked the U.S. Forest staff for the tour and reported on the following:
 - He met with State Parks Transformation Team lead, Steve Szalay, and Deputy Director Conlin to discuss the OHMVR program and how it may be integrated into the transformation process. He also accepted Mr. Szalay's invitation to join the State Parks Advisory Committee.
 - On March 16, 2015, Chair Cabral attended the Hangtown Motocross National held at Prairie City SVRA. He spoke with Congressman Tom McClintock (member of the House Natural Resources Committee and chairman of the Federal Land Subcommittee) about access to federal lands, wildfire issues, and funding for catastrophic wildfire events.

AGENDA ITEM IV (B) – COMMITTEE REPORTS

ATV Safety Ad Hoc Committee: Vice Chair Pérez requested an update on the status of the Statewide ATV Safety Committee.

BLM Liaison Ad Hoc Committee: Chair Cabral expressed concerns about the permit process for special events held on U.S. Forest Service and BLM lands.

CARB Liaison Ad Hoc Committee: On May 21, 2015, Chair Cabral visited the Air Resources Board Red Sticker Motorcycle Emissions Testing Lab in El Monte. The lab recently installed testing equipment that would be less likely to be damaged by two-stroke exhaust emissions. Chair Cabral expressed concerns that the required testing for red sticker motorcycles does not allow the bikes to be tested in a “real world” situation. The red sticker testing process is over a year behind schedule due to issues with testing equipment and acquisition of motorcycles.

CA Statewide Motorized Trail Ad Hoc Committee: Chair Cabral requested a staff report at an upcoming meeting—possibly a meeting held in the Bishop area because of the Adventure Trail. Deputy Director Conlin expressed interest in researching an historic trail in the Sierras—Ponderosa Way—that was possibly developed and used as a supply route by the military.

Events/NOHVCC Ad Hoc Committee: Commissioner Slavik reminded everyone that the annual National Off-Highway Vehicle Conservation Council (NOHVCC) Conference will be held in Folsom in October in conjunction with the OHMVR Commission meeting. The State Parks Director may give a keynote address at the NOHVCC meeting.

Urban Parks/Acquisitions Ad Hoc Committee: Commissioner Villegas reported that the second urban youth group meeting would be held at Castaic Lake in the very near future. She offered to prepare a letter of recommendations about what the committee has learned so that information could be shared with the State Parks Advisory Committee.

Commissioner Murphy reported that prior to the moratorium on purchasing property, he had been working with Dan Canfield, OHMVR Division Planning Manager, on the possibility of purchasing a piece of property in the South San Francisco Bay Area.

U.S.F.S Liaison Ad Hoc Committee: Chair Cabral reported that Kevin Elliott, Sequoia National Forest Supervisor, confirmed the closure of single-track motorcycle trails in the Piute area. In 2009, a \$189,000 OHV Grant was awarded to the Sequoia National Forest to complete the Piute Travel Plan. Chair Cabral requested an agenda item at the September 2015 Commission meeting to discuss what happens when a grant is in default.

Chair Cabral recently recreated on a mixed-use single-track trail system in the Six Rivers National Forest. A lot of different recreation groups—hikers, equestrians, mountain bikers, motorcyclists, ATV riders, etc.—recreate on mixed-use trails. The recreation officer for the area was pleased with the condition of the trails and very excited about the positive interactions between the different recreation groups.

Pacific Crest Trail Ad Hoc Committee: Commissioner Patrovsky and Chair Cabral participated in a teleconference with Forest Service Coordinator Beth Boyst, Pacific Crest Trail (PCT) Association members, and representatives from several stakeholder

groups regarding future planning on the PCT. Motorcycle trails need to be marked at PCT crossings and a pre-existing motorcycle trail needs to be rerouted.

Chair Cabral also attended the Eastern Kern Recreation Landowners Association meeting on May 2, 2015. The landowners agreed to purchase and install signs marking motorcycle trails on their private property. He reported that a lot of the signage on the PCT has been vandalized making it difficult for recreationists to identify the trails. He also spoke with Kern County Sheriff Deputies about PCT trespassing complaints.

AGENDA ITEM V (A) – GENERAL INFORMATION REPORTS: POST WILDFIRE REHAB OF FOREST SERVICE OHV AREA

Don Amador presented a report and slideshow overview of the 2012 Mill Fire and discussed the aftermath and rehabilitation of the area.

A brief discussion was held regarding the possibility of having an emergency grant fund available to assist with OHV trail cleanup after disasters. Commissioner Murphy suggested looking at ways to create more sustainable trails while the recreation area is closed for rehabilitation.

AGENDA ITEM V (B) – GENERAL INFORMATION REPORTS: CALIFORNIA DESERT CONSERVATION AND RECREATION ACT OF 2015

Randy Banis presented an informational report and slideshow on the California Desert Conservation and Recreation Act of 2015. The bill proposes a variety of recreation area designations—OHV recreation areas, special management areas, national scenic areas, wilderness areas, etc.—throughout 1.8 million acres of desert lands in California. The Mojave Trails National Monument and the Sand to Snow National Monument encompass 60 percent of this land. The bill also proposes the designation of five existing BLM OHV recreation areas as permanent national OHV areas—Dumont Dunes, El Mirage, Rasor, Spangler Hills, and Stoddard Valley.

Currently, there are 1,710 miles of designated roads and trails within the area. The bill proposes to close 47.5 miles of trails in the wilderness area designations and reopen or designate approximately 80 miles of new OHV roads and trails. The bill would also exclude the 1.8 million acres of land from future development, particularly renewable energy.

If the bill is passed and signed into law, BLM would be directed to amend its resource management plans or develop new plans for the areas within three years.

A companion bill in the House of Representatives, authored by Congressman Cook, is expected in the very near future.

The maps, charts, and report presented by Mr. Banis are available online at: DeathValley.com/CDCRA/Report.

PUBLIC COMMENTS ON AGENDA ITEMS V (A) AND (B)

Comments were heard from the following individuals:

- Nick Haris, American Motorcyclist Association
- John Stewart, California Association of Four-Wheel Drive Clubs
- Bruce Brazil, California Off-Road Vehicle Association
- Amy Granat, California Off-Road Vehicle Association
- Dave Pickett, District 36, Motorcycle Sports Committee

AGENDA ITEM VI (A) – PROGRAM REPORTS: INFORMAL UPDATE ON CLEAR CREEK MANAGEMENT AREA MONTH-LONG RISK ASSESSMENT

Will Harris, California Geological Survey, presented an update on the Clear Creek Management Area (CCMA) Risk Assessment investigation conducted by the International Environmental Research Foundation (IERF). CCMA encompasses 75,000 acres in southern San Benito County and western Fresno County. The BLM Hollister Field Office manages 63,000 acres with 30,000 acres designated as an Area of Critical Environmental Concern (ACEC) due to the existence of naturally occurring asbestos (NOA).

Motorcycle trail riding was the predominant recreation at CCMA. Other popular activities were hiking, mountain biking, rock hounding, and camping. Prior to 2008, CCMA had approximately 35,000 visitors annually.

In May 2008, the Hollister Field Office issued a temporary closure (May 2008 – March 2014) of the CCMA based on a May 2008 Environmental Protection Agency (EPA) activity-based study of NOA exposure. During this six-year closure period, the Hollister Field Office developed a Resource Management Plan for the CCMA that incorporated risk assessment calculations to evaluate NOA exposure during different visitation and activity scenarios. The health-based risk assessment calculations had to show that there was a risk of “excess cancer” associated with the asbestos exposure that was less than one in 10,000 visits. To meet this threshold, the Hollister Field Office chose a year-round management alternative that allows individuals a maximum of five visits to the ACEC per year. Visitors are only allowed to drive highway-licensed vehicles and to participate in non-motorized activities such as hiking, rock hounding, and horseback riding.

During the six-year closure period, the OHMVR Division hired IERF to conduct a more focused risk assessment study in the ACEC looking specifically at motorcycle trail recreation. The investigation team had two motorcycle riders, one following the other, ride on the same trails ridden during the EPA study. The motorcycles were equipped with air filter sampling equipment. The IERF report study showed the health-based risk assessment calculation for a five-day-per-year motorcycle trail-riding scenario within the ACEC was less than one in one million.

Because of a stipulation in the Resource Management Plan, the OHMVR Division asked IERF to broaden its initial risk assessment investigation. The Resource Management Plan states, "... the BLM would reinstitute travel management planning in the ACEC to modify transportation and travel management decisions based on ... activity-based studies that establish effective strategies for reduction in personal exposure to asbestos from off-highway vehicle recreation." A risk assessment was conducted based on new data collected in November and December 2013 and January and March 2014. The anticipated release date for the new report is August 2015.

After a brief discussion regarding the CCMA and the IERF report, Deputy Director Conlin suggested a staff report discussing the results of the IERF study be presented to the Commission at the September or October meeting. After hearing that report, the Commission could then request a special one-day meeting to discuss this issue in more detail. In response to Commissioner Villegas' request for a delineation of the \$7 million in OHV Grant funds awarded to CCMA, Mr. Harris stated a spreadsheet detailing the expenditures was presented to the Commission at the May 2013 meeting.

AGENDA ITEM VI (B) – PROGRAM REPORTS: U.S. FOREST SERVICE

Beth Martinez, Public Service Staff Officer, U.S. Forest Service, Stanislaus National Forest, introduced Scott Tangenberg, Deputy Forest Supervisor. Mr. Tangenberg presented the video, *The Fire Next Time*, developed by filmmakers Steven Most and Kevin White. The film provided an overview of the Rim Fire and the conditions that could cause a similar fire.

Ms. Martinez presented a report about the Stanislaus National Forest and the OHV/OSV (over-snow vehicle) programs that provide recreational opportunities to approximately 1.5 million visitors annually. Four ranger districts (Calaveras, Summit, Mi-Wok, and Groveland) offer the following OHV recreation opportunities:

- 1,400 miles of high-clearance Level II roads;
- 129 miles of trails open to all vehicle types;
- 39 miles of high-clearance four-wheel drive trails;
- 58 miles of ATV trails;
- 70 miles of motorcycle trails; and
- 700 miles of street-legal vehicle roads.

The three SNO-Parks within the Stanislaus National Forest provide 73 miles of signed, groomed routes; 755 miles of unsigned, un-groomed routes; 60 miles of wheeled over-snow routes; and 182,000 acres of land available for cross-country OSV use.

During the past five years, approximately 55 percent of awarded OHV Grant funds have been allocated to ground operations, 15 percent to law enforcement, 5 percent to development of new opportunities, and 23 percent to restoration.

Popular OHV recreation areas include the Mi-Wok District, Crandall Creek, Deer Creek, Owl Creek, Trout Creek, Hull Creek, Black Springs, Interface White Pines, Eagle Meadow, Niagara Creek, Ferretti Buck Meadow, and the Jawbone Pass Ridge.

Ms. Martinez also discussed the forest's resource protection plans, new trail construction and restoration projects, volunteer program, development planning projects, partnerships, and education and safety programs.

A brief discussion was held regarding the OHV grant process and ways it could be improved. Chair Cabral presented the possibility of building amphibian tunnels instead of closing routes in order to decrease their mortality rate. He also suggested the possible use of soil moisture sensors to determine route closures rather than fixed calendar closures.

AGENDA ITEM VI (C) – PROGRAM REPORTS: BLM

Miriam Morrill, BLM State Office, presented an overview of how the BLM is dealing with climate change issues. Currently, BLM is looking at environmental conditions and resources, as well as land uses. BLM scientists have observed significant shifts in vegetation growth and habitat due to changes in temperatures and precipitation. These changes may affect land management, use, and public health. Four Landscape Conservation Cooperatives located in California provide BLM with climate change perspectives that are integrated with actual work on the ground.

In order to assess values and risks, BLM has been developing rapid eco-regional assessment areas that provide a synthesis of the latest climate information. In addition, BLM and the U.S. Forest Service created a partnership to conduct a Northern California climate vulnerability assessment to find out how the climate information can support revisions to their management plans. The Council on Environmental Quality—a governing body that develops the federal government's National Environmental Policy Act—drafted guidance policies on how to address climate change in BLM planning decision documents. These measures will help BLM and partners develop appropriate climate adaptation strategies.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments were heard from the following individuals:

- Barb and Dave Harrell
- Doug Varner, Kern Recreational Land Association
- Amy Granat, California Off-Road Vehicle Association
- Don Amador, Blue Ribbon Coalition and Quiet Warrior Racing Consultant
- Dave Pickett, District 36, Motorcycle Sports Committee
- John Stewart, California Association of Four-Wheel Drive Clubs
- Jerry Fouts, Yosemite/Stanslaus Solutions

PUBLIC COMMENTS ON AGENDA ITEMS VI (A), (B), (C)

Comments were heard from the following individuals:

- John Stewart, California Association of Four-Wheel Drive Clubs
- Dave Pickett, District 36, Motorcycle Sports Committee

AGENDA ITEM VI (D) DEPUTY DIRECTOR'S REPORT

Deputy Director Conlin provided a brief update on the drought and its effects on the SVRAs. There have been some dramatic changes to the habitat and wildlife within the SVRAs. The overall average water use reduction at the SVRAs is about 34 percent.

AGENDA ITEM VI (D) (1) DEPUTY DIRECTOR'S REPORT: BUDGET UPDATE

Maria Mowrey, OHMVR Division Administrative Chief, presented a report on the May revise of the 2015/2016 Governor's budget. There was a \$6.7 billion increase in revenue since the January budget proposal. The OHV Trust Fund will receive an \$11 million loan repayment.

In response to Commissioner Slavik's concerns about the reduction in OHV Trust Fund revenue due to the decrease in gas tax receipts, Deputy Director Conlin stated that the future financial model for the program would need to be examined when new legislation is enacted to extend the program.

AGENDA ITEM VI (D) (2) DEPUTY DIRECTOR'S REPORT: GRANTS PROGRAM

OHMVR Division Grants Administrator, George MacDougall, presented an update on the Grants Program. The Division received 215 final applications totaling \$38.3 million for the 2014/2015 Grants cycle. The projected available funding is \$26 million.

The public and Division comment period ended on April 6, 2015, and the Intent to Award was posted on June 1, 2015. After a 30-day appeal period, the final awards were posted on July 2, 2015.

AGENDA ITEM VI (D) (3) DEPUTY DIRECTOR'S REPORT: SVRA GENERAL PLANS

Dan Canfield, OHMVR Division Planning Manager, presented a report on the status of the SVRA general plans. A general plan is the primary planning document for an SVRA and provides a framework of goals and guidelines that direct future recreation, resource management, and facility development.

Katie Metraux, OHMVR Division staff member, presented an update on the Ocotillo Wells SVRA General Plan. In March 2015, two planning workshops were held—one in Temecula and one in Ocotillo Wells SVRA—to inform the public about the draft Preferred Alternative/Proposed Action for the General Plan and the BLM Recreation Area Management Plan and Land Use Plan Amendment. Over the course of the public comment period, more than 264 comments were submitted.

Mr. Canfield presented an update on the Carnegie SVRA General Plan. The Preliminary General Plan and Draft Environmental Impact Report (EIR) were published on April 23, 2015. The documents are available on the project website: CarnegieGeneralPlan.com. Public comments were due June 29, 2015. A written response to the comments will be included in the final General Plan and EIR. Upon completion of this process, the final General Plan and EIR will be published and presented to the Commission for consideration.

Staff is currently working on preparation of the Preliminary General Plan and Draft EIR for Prairie City SVRA. A discussion ensued regarding the City of Folsom proposed housing development on the north side of the park. Mr. Canfield stated that chapter three of the Draft General Plan discusses issues such as urban encroachment. Chapter four sets forth guidelines on operating an SVRA with this type of residential development encroachment. Deputy Director Conlin assured the Commissioners that District Superintendent Michael Fehling has been actively involved in discussions regarding the housing development.

In response to Chair Cabral's inquiry about various land use designations (designated trails versus open riding) on the state and federal lands in Ocotillo Wells SVRA, Mr. Canfield stated that the new General Plan and federal Resource Management Plan will fix any discrepancies in use designations.

In response to Chair Cabral's inquiry about whether or not a local agency had power over the decision-making process regarding the Carnegie SVRA General Plan, Legal Counsel Tobias stated that local agencies have no power over the State because the State is not subject to any kind of local control. In addition, the local agencies could not appeal the Commission's approval of the General Plan. The only recourse they might have is filing a CEQA lawsuit stating the EIR is deficient—a tactic that would only slow down the process. If that happened, the State would fix the EIR and bring it through the process again.

In response to Vice Chair Pérez's inquiry about water usage at Carnegie SVRA, Deputy Director Conlin stated that the SVRA gets most of its water from wells and has implemented massive water reduction measures. Water is mainly used in the restoration of previously designated open riding areas. Once the vegetation is established, additional water use reductions can be implemented. In addition, the use of soil stabilizers on all trails has also reduced water usage.

In response to Commissioner Hafkenschiel's inquiry, Deputy Director Conlin stated that staff was researching possible effects the new ground water legislation would have on SVRAs that rely on well water.

Legal Counsel Tobias confirmed that the new housing developments in Folsom and Rancho Cordova are part of the Sacramento Council of Governments' regional transportation plan and sustainable community strategy.

A brief discussion ensued regarding General Plan preparation costs.

AGENDA ITEM VI (D) (4) DEPUTY DIRECTOR'S REPORT: LEGISLATION

Tina Williams, OHMVR Division staff member, presented the following legislation update.

- AB 56 addresses how public agencies would use unmanned or drone aircraft systems.
- SB 206 would prohibit the State Air Resources Department from collecting specific data on vehicles.
- SB 742 would increase the amount of solid waste diversions for State agencies from 50 percent to 60 percent.
- Senate Concurrent Resolution 2 would designate a portion of State Highway 193 in El Dorado County as the Gene Chappie Memorial Highway.
- U.S. HR 792 would provide for no net increase in public lands that are under the jurisdiction of the BLM, National Parks, U.S. Fish and Wildlife, and the Forest Services.
- U.S. HR 999 / SB 2050 would direct the Consumer Public Safety Committee and the National Academy of Sciences to study vehicle handling requirements for ROVs.

A brief discussion ensued regarding SB 206 and if vehicle miles traveled (VMT) data would be excluded from the data collection.

AGENDA ITEM VI (D) (5) DEPUTY DIRECTOR'S REPORT: LAW ENFORCEMENT / SAFETY

Mark Hada, OHMVR Division Visitor Services Manager, presented the law enforcement / public safety report. Over the past five months, law enforcement staff visited 11 law enforcement grant sites.

A number of ROVs were issued street license plates in error. These plates must be surrendered and the ROV re-licensed.

It is legal in Arizona to issue street license plates to ROVs; however, in California it is not legal to drive the Arizona vehicles on public highways and streets. Arizona will put a notice on the website informing recreationists of the California policy.

In response to Commissioner Patrovsky's inquiry, Deputy Director Conlin said staff would review the grant visit audits for any sensitive law enforcement issues and, if none exist, staff will let the Commissioners know where to find the reports.

A discussion was held regarding possible locations for the September Commission meeting. It was suggested that the meeting be held in the Bishop area and tour the

Adventure Trail. Eight of the 17 proposed trails will be opened soon. Grants funds were used for the project. The county voted to allow limited operation of OHVs on some of the roads so recreationists and local residents could drive into town.

PUBLIC COMMENTS ON THE DEPUTY DIRECTOR'S REPORTS

Comments were heard from the following individuals:

- Nick Haris, American Motorcyclist Association
- John Stewart, California Association of Four-Wheel Drive Clubs
- Jerry Fouts
- Bruce Brazil, California Off-Road Vehicle Association
- Amy Granat, California Off-Road Vehicle Association
- Dave Pickett, District 36, Motorcycle Sports Committee

Commissioner Lueder made a motion to adjourn the meeting; seconded by Commissioner Patrovsky; motion carried. The meeting adjourned at 3:34 p.m.